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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GABRIELA LOPES CHAVEZ, et al.,

Plaintiffs,

-against-

BESOS RESTAURANT BAR & LOUNGE
CORP, et al.,

Defendants.

23-CV-9196 (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

On October 24, 2024, the parties submitted a joint letter-motion seeking approval of their Settlement and Release Agreement pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d. Cir. 2015). (Dkt. 28.) However, the motion papers did not include counsel's contemporaneous time records or plaintiff's contingency fee agreement (if any) with her attorney. On October 28, 2024, I issued an order (Dkt. 29) explaining that, because the proposed settlement agreement includes an award of attorney fees, until plaintiff submits these materials, the Court cannot approve the settlement agreement. In the same order, I set a deadline of November 4, 2024, to submit the necessary documents.

November 4 came and went without word from the parties. Further, plaintiff's counsel failed to respond to a courtesy call from chambers on November 12, 2024. Today, for the first time, counsel addressed the issue, explaining in a letter (Dkt. 30) that she failed to meet the November 4 deadline because she "recently commenced maternity leave," and seeking an unspecified further extension of that deadline.

Plaintiff's request is GRANTED to the extent that she may submit copies of her counsel's contemporaneous time records and any contingency fee agreement no later than **December 6, 2024**. In the alternative, the parties may, no later than that date, submit an updated proposed settlement agreement that does not seek an award of attorney fees.

In the event plaintiff fails to meet the December 6 deadline, the parties must appear for a trial setting conference on **December 12, 2024**, at 10:00 a.m., in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. 2024, *with their calendars*, for the purpose of setting a trial date in January 2025.

Dated: New York, New York
November 22, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge